

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA

v.

Case No. 16-mj-96

BENJAMIN JACOB MCHUGH,

Defendant.

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COMPLAINT FOR VIOLATION OF TITLE 18, UNITED STATES CODE,  
SECTION 2251(a)

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BEFORE United States Magistrate Judge  
Stephen L. Crocker

United States District Court  
120 North Henry Street  
Madison, Wisconsin 53703

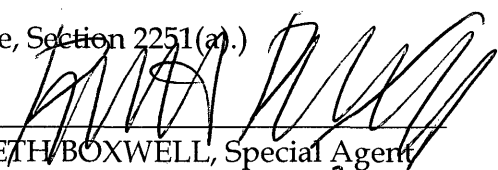
The undersigned complainant being duly sworn states:

On or about July 1, 2015, in the Western District of Wisconsin, the defendant,

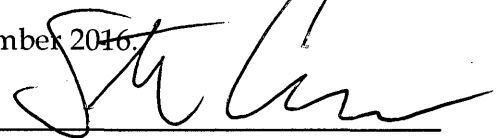
BENJAMIN JACOB MCHUGH,

knowingly and intentionally used a minor, "Known Victim (KV) #2", to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that had previously been transported in interstate commerce, specifically, MCHUGH used a Samsung cellular phone, model SM-N900A, to produce a visual depiction of KV #2 engaged in sexually explicit conduct, identified as "20150701\_195009.jpg."

(In violation of Title 18, United States Code, Section 2251(a).)

  
BETH BOXWELL, Special Agent  
Federal Bureau of Investigation

Sworn to before me this 19th day of September 2016.

  
STEPHEN L. CROCKER  
United States Magistrate Judge

AFFIDAVIT

STATE OF WISCONSIN     )  
  ) ss  
COUNTY OF DANE         )

I, Beth Boxwell, having been duly sworn, depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and I have been employed with the FBI for 11 years. I am currently assigned to the Madison Field Office and before that I was assigned to the Chicago Field Office. I have participated in the investigation of hundreds of cases, including child exploitation cases.

2. The information contained in this affidavit is based primarily on information I learned from FBI Special Agent Jason Fleming. I have spoken to him about this investigation and have reviewed a search warrant affidavit that he affirmed under oath. As his investigation of this case is based on things he learned during the course of his official duties, and because he swore to the underlying facts, I believe them to be reliable.

3. On September 06, 2016, FBI Milwaukee special agents executed a federal search warrant in Grafton, Wisconsin. As part of the investigation, Seth Foerster was taken into custody.

4. On September 12, 2016, Fleming began his review of the digital evidence recovered during the execution of the search warrant. On Foerster's iMac desktop computer, he located thousands of images/videos of child pornography. These images/videos involved prepubescent males and females engaged in various sexual activities. Additionally, Fleming found numerous child pornography images/videos

of a minor he was later able to identify as KV #1.

5. Fleming also identified images of two minor females, KV #2 and KV #3, in different stages of undress. These images were located on the same iMac desktop computer in a file folder. Within this file, Fleming saw 14 image files of the girls in different stages of undress. All of the image files appear to be taken in a surreptitious manner without the girls' knowledge. Specifically, in photo "20150701\_195009.jpg" KV #2 is shown standing on one leg in a bathtub. She is completely naked and her vagina is exposed. From the EXIF data, Fleming determined this image was taken on July 1, 2015 with a Samsung cellphone, model SM-N900A.

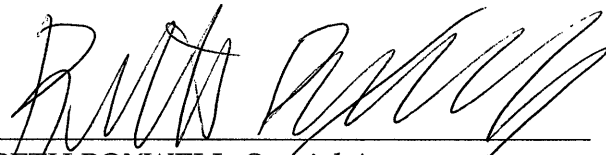
6. On September 13, 2016, Fleming participated in an interview of Foerster. In this interview, Foerster stated that he had been friends with BENJAMIN MCHUGH for approximately 20 years and they shared an interest in child pornography. Foerster said that he took naked pictures of KV#1 and saved them into a folder on his computer. Foerster provided MCHUGH access to Foerster's computer via a File Transfer Protocol (FTP) so MCHUGH could view and download the photos. Similarly, MCHUGH took naked pictures of KV#2, and KV #3 and uploaded them onto Foerster's computer through the same FTP protocol.

7. According to SA Fleming, "File Transfer Protocol" (FTP) is a standard network protocol used to transfer computer files from one host to another over a computer network, such as the Internet.


8. On September 19, 2016, SA Fleming interviewed MCHUGH. MCHUGH admitted to taking nude pictures of KV #2 and KV #3 and transferring those images to

Foerster. He also admitted downloading nude pictures of KV #1 from Foerster's computer.

9. A Samsung cell phone, model SM-N900A, was seized from McHugh on September 19, 2016. I have been informed by SA Fleming that a sticker on the phone indicates it was made in Korea. While forensics have not yet determined whether this specific Samsung model SM-N900A was used to take the picture of KV #2, I believe it is likely that all phones of that model were manufactured in Korea.

  
BETH BOXWELL, Special Agent  
Federal Bureau of Investigation

Sworn to before me this 19<sup>th</sup> day of September.

  
STEPHEN L. CROCKER  
United States Magistrate Judge